

ADMINISTRATIVE VIOLATIONS
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Statement Date: October 11, 2006

Company/Mine Decorative Landscaping/T&M Holdings Mine NOV/CO # MN2006-03-09-01

Permit #: M0350023

Violation # 1 of 1

Mine Name: T&M Holdings

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for Administrative type violations only such as violations concerning fees, requests for information, annual reports).

Describe how violation of this regulation potentially hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The operator did not notify the Division that approvals had not been received from Bluffdale City, but this is considered potential hindrance because the Division received this information from the city.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The operator is responsible for obtaining approvals from all appropriate agencies and should have been aware of the need to consider zoning requirements and to gain approval from the city.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation:

- ☐ Has DOGM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation:

- ☐ Did the Operator gain any economic benefit as a result of the failure of comply. If yes explain

Explanation:

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation has yet to be abated.

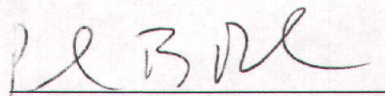
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation:

3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain.

Explanation:

Paul B. Baker
Authorized Representative


Signature

10/14/06
Date